

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRYAN GOREE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

NEW ALBERTSON'S INC. d/b/a JEWEL OSCO,
Defendant.

And HONEYWELL INTERNATIONAL, INC.,
Respondent in Discovery.

Case No. 1:22-CV-01738

Hon. Martha M. Pacold

DECLARATION OF SCOTT DICKINSON

I, Scott Dickinson, declare as follows:

1. I am an individual resident of the State of Georgia, above the age of 18 years old, and competent to make this declaration. I make this declaration based on my personal knowledge and my review of company business records maintained in the ordinary course of business of Capstone Logistics, LLC's ("Capstone") business. Based on that knowledge and review of those business records I could competently testify to the matters set forth herein if I was called to do so as a witness in court.

2. From December 28, 2009, to May 14, 2022, I was the HRIS Manager for Capstone Logistics, LLC. On May 15, 2022, I was promoted to Senior HRIS Manager for Capstone, and I am currently acting in my capacity as Senior HRIS Manager. I am the Senior Human Resources Information System ("HRIS") Manager for Capstone. I have held this position for Capstone and its predecessor since December 28, 2009.

3. As Senior HRIS Manager, I am familiar with and have access to electronic application and onboarding systems and records, including those associated with both current and former Capstone employees.

4. Company records reflect that Capstone employed the Plaintiff in the above-captioned action, Mr. Bryan Goree (“Mr. Goree”), from approximately April 25, 2017 through May 23, 2020.

Bryan Goree Accepts the 2017 Arbitration Agreement Through Recruiting Management

5. Beginning in or around October 2016, Capstone began using a system called Recruiting Management, or “RM.” RM is a paperless, web-based system for tracking applicants and onboarding new hires. RM permits new hires to view, download, and print the Capstone Associate Handbook and Capstone’s Employment-At-Will And Arbitration Agreement.

6. When an individual applies for employment at Capstone through RM, the individual creates a profile with a unique username and password. The individual also provides a personal e-mail address to receive notifications and correspondence. When an individual creates an RM profile, RM creates and stores a record of that action. This record is created at or around the time of the profile creation, is stored in the ordinary course of business, and cannot be altered or changed by Capstone personnel.

7. RM tracks certain actions by candidates and also tracks certain actions performed by the RM system. These actions are reflected in the candidate’s history. For example, RM records dates and times that a candidate logs into RM and provides this information in the candidate’s history.

8. RM stores certain records and documents completed through RM, such as onboarding and tax forms. Once a candidate completes these forms, neither the candidate nor Capstone can subsequently change them.

9. Attached hereto as **Exhibit 1** is a true and correct copy of the history of Mr. Goree's activities performed and then recorded in RM, with certain personal information redacted. Exhibit 1 was kept in the course of a regularly conducted activity of Capstone.

10. According to Capstone's records, on or around March 3, 2017 at 1:32 p.m., Mr. Goree created a unique username and password in RM. *See* Ex. 1 at 2. That same day at 1:49 p.m., Mr. Goree completed an application for employment in RM using the unique username and password that he created. *See id.* Capstone does not have access to the usernames or passwords selected by its employees, including Mr. Goree.

11. As reflected in Exhibit 1, on or around April 25, 2017 at 4:14 p.m., RM extended an offer of employment to Mr. Goree by sending an e-mail to Mr. Goree at his e-mail address, b.goree@yahoo.com, using the RM template "OF - Extended - External." *See id.* On April 25, 2017 at 6:52 p.m., Mr. Goree provided an electronic signature and accepted his offer of employment. *See id.*

12. On or around April 25, 2017, Mr. Goree used his unique username and password to log into RM and access his new hire paperwork. The new hire forms included, among other things, federal and state tax withholding forms, the Capstone Associate Handbook, and the Capstone Employment-At-Will and Arbitration Agreement.

13. After Mr. Goree navigated to the onboarding forms, Capstone's records indicate that he completed the various onboarding steps in sequence: (1) first, Mr. Goree entered his personal information, including his date of birth; (2) second, Mr. Goree completed his payroll

election by selecting “pay card” from a drop-down menu; (3) third, Mr. Goree identified his emergency contact by inputting his daughter’s name and telephone number; (4) fourth, Mr. Goree affirmatively acknowledged that he read Capstone’s Employment-At-Will And Arbitration Agreement in effect on April 25, 2017 (the “2017 Arbitration Agreement”) and Loss Prevention Acknowledgement; (5) fifth, Mr. Goree affirmatively acknowledged that he read the Capstone Associate Handbook in effect on April 25, 2017 (the “2017 Associate Handbook”) by completing the Associate Handbook Acknowledgement and Statement of Receipt; (6) sixth, Mr. Goree completed the job description acknowledgement; and (7) seventh, Mr. Goree provided an electronic signature. As Mr. Goree completed each onboarding step, RM advanced Mr. Goree to the next step. Mr. Goree did not have a deadline for reviewing or signing the 2017 Arbitration Agreement or 2017 Associate Handbook.

14. To digitally sign his acknowledgement of the receipt and agreement with the 2017 Arbitration Agreement and 2017 Associate Handbook, Mr. Goree was required to review the applicable acknowledgment language, click the links to view and/or download electronic copies of the 2017 Arbitration Agreement and 2017 Associate Handbook, and type his name in the space provided to affirmatively indicate his full acceptance of the policies outlined in the 2017 Arbitration Agreement and 2017 Associate Handbook. The only way for Capstone’s records to reflect that Mr. Goree digitally signed the 2017 Arbitration Agreement and 2017 Associate Handbook would be for Mr. Goree to have entered his electronic signature, representing his receipt and acceptance of the policies.

15. RM requires a candidate to complete each onboarding step in sequence before advancing to the next step. If a candidate attempts to skip a step, such as the acknowledgment of the 2017 Arbitration Agreement or the electronic signature, RM produces an error message that

instructs the candidate to complete the particular step. The candidate cannot move forward or move past a step without completing it. Once completed, RM creates and stores a record of the candidate's activity. Capstone cannot change or amend the record created by the candidate.

16. Capstone's business records reflect that Mr. Goree digitally signed an acknowledgment of receipt of, and agreement with, the 2017 Arbitration Agreement and 2017 Associate Handbook on April 25, 2017 at or around 7:06 p.m. True and accurate screenshots of Mr. Goree's acknowledgment and acceptance of these documents is attached hereto as **Exhibit 2**.

17. Attached hereto as **Exhibit 3** is a true and correct copy of the 2017 Arbitration Agreement linked in Mr. Goree's onboarding forms.

18. Attached hereto as **Exhibit 4** is a true and correct excerpted copy of the 2017 Associate Handbook linked in Mr. Goree's onboarding form with a date of April 2016.

19. Based on the information above, I can conclude that Mr. Goree – and no other authorized individual – acknowledged the 2017 Arbitration Agreement and 2017 Associate Handbook on April 25, 2017.

Bryan Goree Accepts the 2019 Arbitration Agreement Through ADP

20. Mr. Goree subsequently acknowledged a second arbitration agreement and a second associate handbook during his employment with Capstone.

21. In early 2019, Capstone updated its arbitration program, including a roll-out of updated versions of its Employment-At-Will And Arbitration Agreement (the "2019 Arbitration Agreement") and Associate Handbook (the "2019 Associate Handbook"). New employees onboarding through the RM system after that time were presented with, and electronically acknowledged, the 2019 Arbitration Agreement and 2019 Associate Handbook.

22. Coinciding with that update, Capstone began providing notice to existing employees of the updated arbitration program. Existing employees acknowledged the updated policies through an “ADP Self-Service” online platform, which is separate from the RM system used during onboarding.

23. In my role as Senior HRIS Manager, I am familiar with Capstone’s use of the ADP Self-Service online platform. The ADP Self-Service portal allows employees to access their paychecks, enroll in direct deposit, and read, review, and acknowledge company forms and policies.

24. Capstone provides all employees with access to the ADP Self-Service portal and requires them to create a profile using a unique username and password. Once an employee accesses the ADP Self-Service portal, a unique username is generated by ADP. Employees are then prompted to create their own unique password. Thereafter, the employee uses their newly created username and password to access the ADP Self-Service system and review forms and documents.

25. Once an employee creates his or her own unique password, nothing in the ADP Self-Service portal shares that password with anyone at Capstone other than the employee. Furthermore, the ADP Self-Service portal’s security protocols do not permit anyone other than the individual with the correct, unique, and private password to log into the employee’s individual account.

26. When Capstone rolls out new or revised policies and/or requests that employees acknowledge existing company documents, those policies appear on an employee’s ADP Self-Service portal for review and acknowledgment. Employees must utilize their unique username and password to access their ADP Self-Service portal to view these policies or agreements.

After an employee accesses his or her ADP Self-Service portal and reviews the policies or agreements, that employee has the option to accept the document, policy, and/or agreement.

27. Once the employee has reviewed the document and agrees to be bound by it, he or she checks the box at the bottom of the subject document in the ADP Self-Service portal acknowledging the employee has reviewed the document and agreed to it. Specifically, and as to the 2019 Arbitration Agreement, the acknowledgment reads: “By clicking Acknowledge Policy, I acknowledge that this serves as the electronic representation of my signature, including legally binding contracts – just as wet ink pen on a paper signature would.” The description above accurately describes the process that Mr. Goree would have followed in the ADP Self-Service portal in February 2019.

28. It is Capstone’s policy that employees should carefully read each policy, form, or agreement before signing it, and Capstone provides them with ample time to do so. There is no time limit for individuals to review and either reject or accept the forms, policies or agreements.

29. An employee’s review and agreement of newly rolled-out policies, including the 2019 Arbitration Agreement and 2019 Associate Handbook, is recorded in the employee’s ADP Self-Service history. When a roll-out of new policies takes place, the employee’s specific acknowledgment and agreement to each policy is noted in the “Acknowledgment Date” section of his or her ADP Self-Service history. Once an employee reviews the document and clicks the box at the bottom of the document, acknowledging he or she agreed to it through an electronic representation of his or her signature, the date and time of the acknowledgment is then recorded in the “Acknowledgment Date” section of the ADP Self-Service history. If the employee has not read and acknowledged a policy or handbook, no date or time will be listed in the “Acknowledgment Date” section.

30. In my position as Senior HRIS Manager, I have the ability to view an employee's ADP Self-Service history, but neither I nor anyone else at Capstone has the ability to directly access that account or to perform any functions within an employee's online portal account. Neither I nor anyone else at Capstone can directly alter, acknowledge, input information, or sign a document in ADP Self-Service on behalf of any other employee.

31. I have reviewed Mr. Goree's ADP Self-Service history. This information and data contained in Mr. Goree's ADP Self-Service history are maintained by Capstone in the ordinary course of business, and were created at or near the time of Mr. Goree's policy acknowledgments, and I have no reason to doubt the accuracy of such information and data.

32. Mr. Goree, as a current employee in 2019, was provided both policies (*i.e.*, the 2019 Associate Handbook and 2019 Arbitration Agreement) through his ADP Self-Service portal. The 2019 Associate Handbook and 2019 Arbitration Agreement were each made available in both English and Spanish.

33. Attached hereto as **Exhibit 5** is a true and correct copy of the 2019 Arbitration Agreement presented to Mr. Goree in February 2019. I have personally reviewed Mr. Goree's ADP Self-Service history and can affirm that this history reflects that on February 21, 2019 at 8:53:06 a.m. EST, Mr. Goree electronically accepted and acknowledged the 2019 Arbitration Agreement.

34. Attached hereto as **Exhibit 6** is a true and correct excerpted copy of the English version of the 2019 Associate Handbook presented to Mr. Goree in February 2019. I have personally reviewed Mr. Goree's ADP Self-Service history and can affirm that this history reflects that on February 21, 2019 at 8:52:54 a.m. EST, Mr. Goree electronically accepted and signed the 2019 Associate Handbook.

35. As Senior HRIS Manager, I have the ability to run reports through the ADP Self-Service Portal that show the information and records contained therein. I ran a report that provided information on Mr. Goree's policy acknowledgment history. A true and accurate excerpted version of this report showing Mr. Goree's electronic acknowledgment of both the 2019 Arbitration Agreement and the 2019 Associate Handbook is attached hereto as **Exhibit 7**.

36. Based on the information above, I can conclude that Mr. Goree – and no other authorized individual – acknowledged the 2019 Arbitration Agreement and 2019 Associate Handbook on February 21, 2019.

37. I declare under penalties as provided by law pursuant to the laws of the United States of America that to the best of my knowledge the foregoing is true and correct.

11 / 03 / 2022

Executed this _____ day of November 2022 in Peachtree Corners, Georgia.

Scott Dickinson

SCOTT DICKINSON